

TOWN OF MONSON
CERTIFICATIONS-SPECIAL TOWN MEETING
MAY 11, 2015

ARTICLE 8:

The Town voted by 2/3 vote to amend its Zoning Bylaws by deleting the current Section **6.14 Wireless Communications Facilities Regulations** in its entirety, and replacing it with the following and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Zoning Bylaw so that it is consistent:

6.14 WIRELESS COMMUNICATIONS FACILITIES REGULATIONS

The purpose of this subsection of the Zoning By-Law is to establish appropriate siting criteria and standards for wireless communications facilities, to minimize the adverse impact on adjacent properties, to preserve scenic views, to limit the number and height of such facilities, to promote the shared use of existing facilities to reduce the need for new facilities, and to provide maximum wireless coverage as mandated by Section 704 of the Federal Telecommunications Act of 1996, while protecting the historic and residential character of the Town of Monson, the property values of the community and health and safety of citizens.

6.14.1 General Use Restrictions

1. No wireless communications facilities as defined in section 1.7 shall be erected or installed except by Special Permit from the Planning Board, acting as the Special Permit Granting Authority, in accordance with the procedures specified in section 6.14 and section 7.3 as well as such rules and regulations as officially promulgated by the Planning Board.

2. Any proposed modification to the antennas/cells to an existing wireless communications facility shall require Site Plan Review by the Planning Board only if there is an increase in the total square footage size of the antennas/cells.

3. Wireless communications facilities in existence at the time of adoption of these Regulations including guyed towers, lattice towers and utility towers may be reconstructed, altered, extended or replaced on the same site by Site Plan Review by the Planning Board.

6.14.2 Design Guidelines.

The following guidelines shall be used when preparing plans for the siting and construction of wireless communications facilities.

1. To the extent feasible, wireless communications facilities shall be located on existing structures, including but not limited to buildings, water towers, telecommunications towers, utility poles and related facilities, provided that such installation preserves the character and integrity of those structures. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.

2. To the extent feasible, wireless communications facilities shall be located so as to be as visually unobtrusive as possible from all views to the greatest extent possible. An applicant

proposing a wireless communications facility shall demonstrate to the satisfaction of the Planning Board that the applicant has endeavored to minimize the visual and aesthetic impacts of the proposed facility on residential abutters; and, that the facility must be located at the proposed site due to technical, topographical or other unique circumstances.

3. To the extent feasible, wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of towers, which will be required within the community. New towers shall be considered only upon a finding by the Planning Board that existing or approved towers cannot adequately fulfill the applicant's service requirements or accommodate the wireless communications equipment planned for the proposed tower.

4. All building-mounted facilities shall be designed and located so to appear as an integral part of the existing architecture of the building. No such facility shall project more than ten feet above the existing roof line of the building, or more than ten feet above the top of the existing structure upon which it is mounted, or more than five feet out from the plane of the existing wall or facade to which it is attached, provided that such projections do not otherwise violate existing yard dimensions or setback requirements.

5. Only free standing monopoles, with associated antennas and panels are allowed in new locations. Lattice style towers or any tower requiring guy wires for support are not allowed unless pre-existing on the location.

6. No new wireless communications tower shall be located closer than two miles to any other existing tower location in Monson to the maximum extent feasible.

7. All wireless communications towers shall be designed to be constructed at minimum height necessary to accommodate the anticipated and future use. In residential zoning districts, wireless communications facilities shall not exceed one hundred (100) feet in height as measured from ground level at the base of the tower.

8. All wireless communications towers shall be pre-engineered to fail at a predetermined height and "fold in half" in the event of a catastrophic failure.

9. The setback of a wireless communications tower from the lot line or street line of the lot on which it is located shall be at least equal to 150% of the tower's height. Further, within the residential districts (RV & RR) the tower shall be located a minimum of five hundred (500) feet from existing lot lines.

10. All wireless communications facilities shall be painted, colored, and/or constructed of materials that minimize the visual impact of the wireless communications facilities on adjacent abutters, residential neighbors and other areas of Town; and owners of wireless communications facilities shall endeavor to install said facilities in a manner that blends them into the structure, building, tower and/or landscape where they are located. The Planning Board may impose reasonable conditions to ensure this result including but are not limited to structural design, painting, lighting, and landscaping standards.

11. Fencing shall be provided to control unauthorized access by the public to wireless communications facilities and shall be compatible with the scenic character of the Town and of abutting properties and shall not be of barbed or razor wire unless completely blocked from view by shrubs or other landscaping. A landscape buffer of evergreen shrubs or tree plantings shall be provided on the outside of the fenced area. All landscape plantings must be continually maintained.
12. Lighting shall be limited to the lighting required for emergency and for FAA compliance. All lighting shall be shielded to prevent undue impact on surrounding properties.
13. Accessory structures housing support equipment for towers shall not exceed four hundred square feet in area and fifteen feet in height. Design of accessory structures shall be in keeping with the character of the neighborhood.
14. Signs shall be restricted to warning/no-trespassing signs and an identification sign displaying the FCC registration number of the facility, the owner/operator, and an emergency telephone number where the owner/operator can be reached on a twenty-four (24) hour basis. All signs shall comply with the requirements of the Monson Zoning Bylaw.
15. To the extent feasible, all network interconnections from the communications site shall be via landlines.
16. Existing on-site vegetation shall be preserved to the maximum extent practicable. Clearing of land shall be performed in a manner, which will maximize preservation of natural beauty and conservation of natural resources.

6.14.3 Submission Requirements.

The applicant for a Wireless Communications Facilities special permit shall submit to the Planning Board a written application on the prescribed form containing all of the following information:

1. A site plan in accordance with the requirements of this section and section 7:4, which shall show all lot lines, the exact location of the proposed facilities, streets, landscape features, residential dwellings all buildings within five (5) hundred feet of the facility.
2. A color photograph or rendition of the proposed wireless communications facilities including, but not limited to, the proposed tower with its antenna and/or panels. A rendition shall also be prepared illustrating a view of the facility from the nearest street or streets.
3. A technical report prepared by a professional engineer containing; (1) a description of the proposed wireless communications facilities including the technical, economic and other reasons for the proposed location, height and design; (2) a survey of all pre-existing structures, buildings or towers which are capable of supporting the equipment necessary to provide the intended service, and a technical report which demonstrates why any such structure, building or tower cannot be used by the applicant; (3) a description of the capacity of the proposed facility including the number and type of panels, antenna and/or transmitter receivers that it can

accommodate and the basis for these calculations; (4) a description of the special design features utilized to minimize the visual impact of the proposed wireless communications facilities, and (5) certification of compliance with all applicable stated and federal standards.

4. A landscape plan showing the proposed site before and after development including topography and screening proposed to protect abutters.

5. Within thirty (30) days after filing the applications for any new tower or extension in height thereto, the applicant shall arrange to fly a balloon at the maximum height of the proposed installation on a weekend day between the hours of noon and 3 P.M. The balloon shall be of size and color that can be seen from every direction for a distance of one (1) mile. The date and location of the flights shall be advertised at least fourteen (14) days, but not more than twenty-one (21) days, before the flights in at least two different issues of a newspaper with a general circulation in the Town of Monson.

6.14.4 Cessation of Use and Obsolescence

1. The Building Inspector shall annually require proof of certification demonstrating compliance with the standards of the Federal Communications Commission, Federal Aviation Administration, and the American National Standards Institute and required maintenance.

2. Providers of wireless Communications service shall report to the Building Inspector, any cessation in the use or operation of any wireless communications facility that exceeds thirty (30) days, and such facilities shall be dismantled and removed at the owner's expense within one (1) year of cessation of use or operation.

3. Prior to the issuance of a building permit for a Wireless Communications Tower, the applicant shall post with the Town a bond in the amount set by the Planning Board. The amount shall be suitable to cover demolition, removal and disposal of the tower and its accessories in the event the Building Inspector condemns the tower or any accessory part thereto, or deems it unused for more than one (1) year. The Building Inspector shall give the tower's owner forty-five (45) days written notice by registered mail before demolition commences. All demolition and removal costs will be billed to the tower's owner and any unpaid amounts will become an encumbrance on the property.

4. The applicant shall obtain and record in the appropriate registry of deeds a limited right of access granted to the Town of Monson by the lessor/landowner giving the Town the right to enter the property and remove the tower and accompanying structures in the event that the use of the tower as a wireless facility is abandoned.

ARTICLE 9:

The Town voted by 2/3 vote to amend the Town of Monson Zoning Bylaw, **Section 7.0 Administration and Enforcement**, by adding a new Section 7.5 Associate Member of the Planning Board as follows and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Zoning Bylaw so that it is consistent:

“Section 7.5 Associate Member of the Planning Board

There is hereby established the position of Associate Member of the Planning Board, to be appointed by the Selectmen for a term of two years, who shall act on all matters within his or her jurisdiction upon the request of the Chair/Acting Chair due to the inability of an appointed member to vote, under this by-law and under Chapter 40A of the Massachusetts General Laws and any other enabling authority.”

I hereby certify that the Special Town Meeting was duly called according to the bylaws and the Warrant was properly posted. The meeting convened at 7:24 p.m. and after completions of the articles, the meeting was dissolved at 7:40 p.m.

A True Copy ATTEST:

A handwritten signature in cursive script that reads "Mary F. Watson".

Mary F. Watson
Monson Town Clerk

